REMARKS

Applicants appreciate the time and efforts of Examiner Spiegler expended in the Interview of October 10, 2003. Applicants have amended claims 26, 27, 32, 35, 36, 38-41, and 47 as discussed with Examiner Spiegler in the interview. Claims 28 and 42 are cancelled.

With respect to paragraphs 1-7 of the Office Action dated August 25, 2003, Applicants have amended claims 26, 27, 32, 35, 36, 38-41, and 47 in accordance with the Examiners comments and have cancelled claims 28 and 42 rendering related objections and rejections moot. With respect to paragraphs 8-12, Applicants have amended independent claims 26 and 41 as discussed in the Interview. Applicants submit that all now pending claims are allowable.

More specifically, none of the cited references teach or suggest the specific combination of claim 26. For example, none of the cited references, including Sytowski (U.S. Patent 5,804,382) and Zeng (U.S. Patent 5,525,471), teach or suggest degrading the cDNA/RNA compliments to leave unhybridized cDNA strands and unhybridized RNA strands. In particular, Sytowski teaches:

> The reaction mixture is then treated, i.e., exposed to the appropriate conditions, to reduce the number of single-stranded molecules in the mixture and to remove the amplification tags from the tester-driver heteroduplex. In one embodiment, the reaction mixture is exposed to conditions, e.g., chemicals or enzymes, which can both reduce the number of single-stranded molecules in the mixture and remove the amplification tags, i.e., the single-stranded portions of double-stranded molecules, from the tester-driver heteroduplex. In a preferred embodiment, an enzyme, e.g., a DNA nuclease, capable of digesting single-stranded nucleic acid molecules is added to the reaction mixture. (Column 7, Lines 31-43).

In contrast, claim 26 degrades the compliments to leave unhybridized strands. As such, the cited references teach away by degrading unhybridized strands. Thus, claim 26 is allowable.

Similarly, none of the cited references teach or suggesst the specific combination of claim 41. For example, none of the cited references, including Sytowski (U.S. Patent 5,804,382) and Zeng (U.S. Patent 5,525,471), teach or suggest degrading the cDNA/RNA compliments to leave unhybridized cDNA strands and unhybridized RNA strands. In fact, as explained above, the cited references disclose degrading unhybridized strands, thereby teaching away from leaving unhybridized strands. In addition, the cited references fail to teach or suggest analyzing at least one of the unhybridized cDNA strands and unhybridized RNA strands to determine deifferences between the first sample and the second sample. Thus, claim 41 is allowable.

The remaining claims depend from independent claims 26 or 41 and are therefore also in condition for allowance. In addition, the dependent claims include additional features not found in the cited references. For example, none of the cited references teach or suggest amplifying the unhybridized cDNA strands using PCR (claim 31), producing a second set of cDNA strands from the unhybridized RNA strands (claim 32), and displaying at least one of the unhybridized cDNA strands and the unhybridized RNA strands (claim 36). For at least the foregoing reasons, all of the pending claims are in condition for allowance.

Applicant(s) respectfully submit that the present application is now in condition for allowance. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending claims.

Should the Examiner deem that any further action by the Applicant(s) would be necessary for placing this application in condition for issue, the Examiner is requested to contact the undersigned agent by telephone at the number listed below.

Respectfully submitted,

10·10·03
Date

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